

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SKYE ONE CONTRACTING, INC.,

**ORDER**

**08-CV-4788 (NGG)**

Plaintiff,

-against-

SETH FIREMAN,

Defendant.

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NICHOLAS G. GARAUFIS, United States District Judge.

The Report and Recommendation ("R&R") of Magistrate Judge Robert M. Levy dated February 12, 2010 (Docket Entry #9), though unopposed, has been reviewed by the court and is hereby adopted in its entirety. Accordingly, Plaintiff's action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: Brooklyn, New York  
March 9, 2010

s/Nicholas G. Garaufis  
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NICHOLAS G. GARAUFIS  
United States District Judge